

U.S. District Court
Northern District of Iowa (Cedar Rapids)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00062-CJW-MAR All
Defendants
Internal Use Only

Case title: USA v. Albert

Date Filed: 09/21/2021

Date Terminated: 11/04/2022

Assigned to: Judge CJ Williams
Referred to: Magistrate Judge Mark
A Roberts

Defendant (1)

Stephen Albert

TERMINATED: 11/04/2022

represented by **Jill M Johnston**

Federal Public Defender's Office

222 Third Avenue SE

Suite 290

Cedar Rapids, IA 52401

319 363 9540

Email: jill_johnston@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

18:2242(1) and 18:1153 FORCED
SEX THREATS/FEAR OF HARM
(1)

18:2243(a) and 18:1153 SEX
ABUSE OF MINOR/WARD 4
YEARS OR MORE YOUNG
(2)

Disposition

452 months imprisonment. This term of imprisonment consists of a 452-month term imposed on Count 1 and a 180-month term imposed on Count 2, to be served concurrently. 10 years supervised release. This term of supervised release consists of a 10-year term imposed on Count 1 and 10-year term imposed on Count 2, to be served concurrently. \$200 assessment.

452 months imprisonment. This term of imprisonment consists of a 452-month term imposed on Count 1 and a 180-month term imposed on Count 2, to be served concurrently. 10 years supervised release. This term of supervised release consists of a 10-year term imposed on Count 1 and 10-year term imposed on Count 2, to be served concurrently. \$200 assessment.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Emily K Nydle**
 US Attorney's Office
 111 7th Avenue SE
 Box 1
 Cedar Rapids, IA 52401
 319 363 6333
 Email: emily.nydle@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa C Williams
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 111 7th Avenue SE
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 319 363 6333
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
09/21/2021			Judge update in case as to Stephen Albert. Judge CJ Williams and Magistrate Judge Mark A Roberts added (no conflicts found). (skm) (Entered: 09/22/2021)
09/21/2021	<u>2</u>		INDICTMENT as to Stephen Albert, Counts 1 and 2. (Attachments: # <u>1</u> Unredacted Indictment) (eUSA, eUSM, eUSP) (skm) Modified text on 10/15/2021 (pac). (Entered: 09/22/2021)
09/21/2021	<u>4</u>		ORDER sealing the Indictment and Warrant until the arrest of Defendant Stephen Albert. Signed by Magistrate Judge Mark A Roberts on 9/21/2021

		(eUSA, eUSM, eUSP). (skm) (Entered: 09/22/2021)
10/01/2021	<u>5</u>	MOTION for Writ of Habeas Corpus ad prosequendum as to Stephen Albert (eMAR). (skm) (Entered: 10/01/2021)
10/01/2021	<u>6</u>	ORDER AND WRIT of Habeas Corpus ad prosequendum granting <u>5</u> Motion for Writ as to Stephen Albert. Signed by Magistrate Judge Mark A Roberts on 10/1/2021 (eUSA, eUSM, eUSP). (skm) (Additional attachment(s) added on 10/4/2021: # <u>1</u> Email Receipts) (skm). (Entered: 10/01/2021)
10/08/2021	<u>7</u>	Writ of HCAP Returned Unexecuted as to Defendant Stephen Albert. (ksy)(eUSM; eUSA) (Additional attachment(s) added on 10/8/2021: # <u>1</u> Return Receipts) (ksy). (Entered: 10/08/2021)
10/08/2021	<u>8</u>	MOTION for Writ of Habeas Corpus ad prosequendum as to Stephen Albert. (eUSA, eMAR) (kms) (Entered: 10/08/2021)
10/12/2021	<u>9</u>	ORDER AND WRIT of Habeas Corpus ad prosequendum issued re <u>8</u> Motion for Writ of Habeas Corpus ad prosequendum as to Stephen Albert (1). Signed by Magistrate Judge Mark A Roberts on 10/12/2021. (eUSA, eUSM, eUSP) (kms) (Additional attachment(s) added on 10/12/2021: # <u>1</u> Email Confirmation Receipts) (kms). (Entered: 10/12/2021)
10/15/2021		Case and Indictment unsealed as to Defendant Stephen Albert. (skm) (Entered: 10/15/2021)
10/15/2021	<u>10</u>	ORDER SETTING HEARINGS as to Defendant Stephen Albert: Initial Appearance and Arraignment set for 10/18/2021 03:00 PM in Ctrm 4 (4th Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Signed by Magistrate Judge Mark A Roberts on 10/15/2021. (skm) (Entered: 10/15/2021)
10/18/2021		Attorney update in case as to Defendant Stephen Albert: Attorney Jill M Johnston for Stephen Albert added pursuant to the CJA Panel Administrator under the direction of Magistrate Judge Mark A Roberts. (pac) (Entered: 10/18/2021)
10/18/2021	<u>11</u>	Arrest Warrant Returned Executed on 10/15/2021 in case as to Defendant Stephen Albert. (jjh) (Entered: 10/18/2021)
10/18/2021	<u>12</u>	ORDER Appointing Federal Public Defender as to Defendant Stephen Albert: Jill M Johnston appointed. Financial Affidavit due by 11/1/2021. Signed by Magistrate Judge Mark A Roberts on 10/18/2021. (pac) (Entered: 10/18/2021)
10/18/2021	<u>13</u>	MINUTE Entry for proceedings held before Magistrate Judge Mark A Roberts: Initial Appearance and Arraignment as to Defendant Stephen Albert (1) Count 1, 2 held on 10/18/2021. Attorney Christopher J Nathan for defendant, and defendant pled not guilty to counts 1 and 2 of the indictment. Defendant detained. Official Court Record: FTR Gold. (pac) (Entered: 10/18/2021)
10/18/2021	<u>14</u>	STIPULATED DISCOVERY ORDER as to Defendant Stephen Albert. Signed by Magistrate Judge Mark A Roberts on 10/18/2021. (pac) (Entered: 10/18/2021)
10/18/2021	<u>15</u>	TRIAL MANAGEMENT ORDER as to Defendant Stephen Albert: Jury Trial set for 12/20/2021 at 9:00 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Pretrial Conference set for 12/20/2021 at 8:30 AM in Ctrm 3 (4th

		Floor) Cedar Rapids before Judge CJ Williams. Plea Notice/Status Report due by 11/29/2021. Motions due by 11/15/2021. Trial Related Motions due by 12/2/2021. Jury Instructions due by 12/8/2021. Signed by Magistrate Judge Mark A Roberts on 10/18/2021. (pac) (Entered: 10/18/2021)
10/21/2021	<u>16</u>	SEALED CJA 23 Financial Affidavit by Defendant Stephen Albert. (mmc) (Entered: 10/21/2021)
11/22/2021	<u>17</u>	UNRESISTED MOTION to Continue Trial <i>and All Trial-Related Deadlines</i> as to Stephen Albert. (Johnston, Jill) (Entered: 11/22/2021)
11/22/2021	<u>18</u>	ORDER to Continue – Ends of Justice granting <u>17</u> Unresisted Motion to Continue Trial <i>and All Trial-Related Deadlines</i> as to Defendant Stephen Albert. Time excluded from 11/22/2021 until 2/28/2022. Jury Trial set for 12/20/2021 is continued to 2/28/2022 at 9:00 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Pretrial Conference set for 2/28/2022 at 8:30 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Plea Notice/Status Report due by 2/7/2022. Trial Related Motions due by 2/10/2022. Jury Instructions due by 2/16/2022. Signed by Magistrate Judge Mark A Roberts on 11/22/2021. (mmc) (Entered: 11/22/2021)
02/07/2022	<u>22</u>	STATUS Report by Defendant Stephen Albert (Johnston, Jill) (Entered: 02/07/2022)
02/07/2022	<u>23</u>	STATUS Report <i>Trial Status Report</i> by USA as to Defendant Stephen Albert (Williams, Lisa) (Entered: 02/07/2022)
02/08/2022		Case Reassigned as to Defendant Stephen Albert to Chief Judge Leonard T Strand. Judge CJ Williams no longer assigned to the case. (reassigned per CJW/LTS) (kms) (Entered: 02/08/2022)
02/08/2022	<u>24</u>	TRIAL SCHEDULING ORDER as to Defendant Stephen Albert. Attorneys/Defendant Meeting set for 3/7/2022 08:15 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Jury Selection set for 3/7/2022 09:00 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Jury Trial set for 3/7/2022 01:00 PM in Ctrm 1 (2nd Floor) Cedar Rapids before Chief Judge Leonard T Strand. See Order for future trial days schedule. Signed by Chief Judge Leonard T Strand on 2/8/2022. (jag) (Entered: 02/08/2022)
02/08/2022	<u>25</u>	CONSENT to Jury Selection before a US Magistrate Judge by USA and Defendant Stephen Albert. Approved by Magistrate Judge Mark A Roberts. (des) (Entered: 02/08/2022)
02/09/2022	<u>26</u>	NOTICE of Attorney Appearance Emily K Nydle appearing for USA. (Nydle, Emily) (Entered: 02/09/2022)
02/10/2022		Case Reassigned as to Defendant Stephen Albert back to Judge CJ Williams. Chief Judge Leonard T Strand no longer assigned to the case. (per CJW) (kms) (Entered: 02/10/2022)
02/10/2022	<u>29</u>	AMENDED TRIAL SCHEDULING ORDER as to Defendant Stephen Albert: Attorneys/Defendant Meeting set for 3/7/2022 08:30 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Jury Selection set for 3/7/2022 09:00 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Jury Trial set for 3/7/2022 01:00 PM in Ctrm 1 (2nd

		Floor) Cedar Rapids before Judge CJ Williams. Final Pretrial Conference set for 2/28/2022 01:00 PM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. See Order for future trial days schedule. Signed by Judge CJ Williams on 2/10/2022. (jlh) (Entered: 02/10/2022)
02/17/2022	<u>33</u>	SEALED MOTION in Limine as to Stephen Albert. (Attachments: # <u>1</u> Brief) (Williams, Lisa) (Entered: 02/17/2022)
02/17/2022	<u>34</u>	SEALED MOTION in Limine as to Stephen Albert. (Attachments: # <u>1</u> Brief In Support of Motion in Limine, # <u>2</u> Exhibit B & C) (Johnston, Jill) (Entered: 02/17/2022)
02/17/2022	<u>36</u>	UNRESISTED MOTION to Amend/Correct <u>2</u> Indictment (Sealed) as to Stephen Albert. (Attachments: # <u>1</u> Brief) (Williams, Lisa) (Entered: 02/17/2022)
02/18/2022		DOCKET Annotation re <u>34</u> SEALED MOTION in Limine as to Defendant Stephen Albert: Sealed Exhibit A received and placed on Clerk's Storage Drive. (pac) (Entered: 02/18/2022)
02/18/2022	<u>37</u>	ORDER granting <u>36</u> Motion to Amend Indictment as to Stephen Albert (1): The Indictment is amended only for the purposes of adding the phrase "an Indian" on the fourth line of page one in Count One to now read: "the defendant, STEPHEN ALBERT, an Indian, did knowingly cause..." Signed by Judge CJ Williams on 2/18/2022. (kms) (Entered: 02/18/2022)
02/22/2022	<u>39</u>	PROPOSED Jury Instructions by USA as to Defendant Stephen Albert (Nydle, Emily) (Entered: 02/22/2022)
02/23/2022	<u>41</u>	SUPPLEMENTAL SEALED MOTION in Limine as to Stephen Albert. (Attachments: # <u>1</u> Brief In Support of Supplemental Motion in Limine) (Johnston, Jill) (Entered: 02/23/2022)
02/23/2022	<u>44</u>	MOTION to Seal Document <i>Government's Trial Brief</i> as to Stephen Albert. (Williams, Lisa) (Entered: 02/23/2022)
02/23/2022	45	*TEXT ORDER* ORDER granting <u>44</u> Motion to Seal Government's Trial Brief as to Stephen Albert (1). Signed by Judge C.J. Williams on 2/23/2022. (skv) (Entered: 02/23/2022)
02/27/2022	<u>51</u>	TRIAL BRIEF/MEMORANDUM by Defendant Stephen Albert (Johnston, Jill) (Entered: 02/27/2022)
02/28/2022	<u>52</u>	SEALED ORDER re <u>33</u> , <u>34</u> and <u>41</u> Sealed Motions in Limine as to Stephen Albert (1): The Court grants in part, denies in part, and holds in abeyance in part the parties' motions in limine. See text of Order. Signed by Judge CJ Williams on 2/28/2022. (jjh) (Entered: 02/28/2022)
02/28/2022	<u>53</u>	MINUTE Entry for proceedings held before Judge C.J. Williams: Final Pretrial Conference as to Defendant Stephen Albert held on 2/28/2022. Briefs due 3/1/2022. Order to follow. Official Court Record: Patrice Murray PAMurrayReporting@gmail.com (Keogh, Brian) (Entered: 02/28/2022)
02/28/2022	<u>54</u>	SECOND AMENDED TRIAL SCHEDULING ORDER as to Defendant Stephen Albert: Attorneys/Defendant Meeting set for 3/7/2022 08:30 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts.

		Jury Selection set for 3/7/2022 09:00 AM in Ctrm 1 (2nd Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Jury Trial set for 3/7/2022 01:00 PM in Ctrm 1 (2nd Floor) Cedar Rapids before Judge CJ Williams. Additional trial days set for 3/8/2022 08:30 AM in Ctrm 1 (2nd Floor) and 3/9/2022 08:30 AM in Ctrm 3 (4th Floor) . Signed by Judge CJ Williams on 2/28/2022. (skm) (Entered: 02/28/2022)
03/01/2022	<u>55</u>	ORDER re Jury Instructions as to Defendant Stephen Albert. Signed by Judge CJ Williams on 3/1/2022. (Attachments: # <u>1</u> Jury Instructions) (jjh) (Entered: 03/01/2022)
03/01/2022	<u>56</u>	SEALED Notice of Documents for Voir Dire as to Stephen Albert. (Attachments: # <u>1</u> Attorney Juror List, # <u>2</u> Initial Seating Chart, # <u>3</u> Juror Questionnaires Vol 1, # <u>4</u> Juror Questionnaires Vol 2, # <u>5</u> COVID Questionnaires) (jjh) (Additional attachment(s) added on 3/4/2022: # <u>6</u> Missing Questionnaires, # <u>7</u> Additional COVID questionnaires) (jjh). (Entered: 03/01/2022)
03/02/2022	<u>57</u>	Objection to Jury Instructions by USA <i>Notice of No Objections</i> (Williams, Lisa) (Entered: 03/02/2022)
03/03/2022	<u>58</u>	Objection to Jury Instructions (Johnston, Jill) (Entered: 03/03/2022)
03/03/2022	<u>59</u>	ORDER re Jury Instructions as to Defendant Stephen Albert: After considering defendant's Objections to Court's Proposed Jury Instructions (Doc. <u>58</u>), the Court is considering the attached packet of instructions. For the following reasons, defendant's objection is sustained , and additional instruction request granted . Signed by Judge CJ Williams on 3/3/2022. (Attachments: # <u>1</u> Jury Instructions) (kms) (Entered: 03/03/2022)
03/07/2022	<u>60</u>	SEALED ORDER as to Defendant Stephen Albert (see text of Order). Signed by Judge CJ Williams on 3/7/2022. (skm) (Entered: 03/07/2022)
03/07/2022	<u>61</u>	MINUTE Entry for proceedings held before Magistrate Judge Mark A Roberts: Attorneys/Defendant Meeting and Jury Selection as to Defendant Stephen Albert held on 3/7/2022. Official Court Record: Patrice Murray, PAMurrayReporting@gmail.com. (pac) (Entered: 03/07/2022)
03/07/2022	<u>62</u>	MINUTE Entry for proceedings held before Judge C.J. Williams: Jury Trial (day 1) as to Defendant Stephen Albert held on 3/7/2022. Official Court Record: Patrice Murray PAMurrayReporting@gmail.com (Keogh, Brian) (Entered: 03/07/2022)
03/08/2022	<u>63</u>	Peremptory Challenges as to Defendant Stephen Albert. (pac) (Entered: 03/08/2022)
03/08/2022	<u>64</u>	JURY Instructions as to Defendant Stephen Albert. Signed by Judge CJ Williams on 3/7/2022. (pac) (Entered: 03/08/2022)
03/08/2022	<u>65</u>	MINUTE Entry for proceedings held before Judge C.J. Williams: Jury Trial (day 2) as to Defendant Stephen Albert held on 3/8/2022. Official Court Record: Patrice Murray PAMurrayReporting@gmail.com (Keogh, Brian) (Entered: 03/08/2022)
03/09/2022	<u>66</u>	MINUTE Entry for proceedings held before Judge C.J. Williams: Jury Trial (day 3) as to Defendant Stephen Albert held on 3/9/2022. Defendant detained.

		Official Court Record: Patrice Murray PAMurrayReporting@gmail.com (Attachments: # <u>1</u> Witness and Exhibit List) (Keogh, Brian) (Additional attachment(s) added on 3/17/2022: # <u>2</u> Gov Exhibit 1, # <u>3</u> Gov Exhibit 1 Redacted, # <u>4</u> Gov Exhibit 2, # <u>5</u> Gov Exhibit 2 Redacted, # <u>7</u> Gov Exhibit 3, # <u>8</u> Gov Exhibit 3 Redacted, # <u>9</u> Gov Exhibit 4, # <u>10</u> Gov Exhibit 4 Redacted, # <u>11</u> Gov Exhibit 8, # <u>12</u> Gov Exhibit 9, # <u>13</u> Gov Exhibit 11, # <u>14</u> Gov Exhibit 12, # <u>15</u> Gov Exhibit 13, # <u>16</u> Gov Exhibit 14, # <u>17</u> Gov Exhibit 15, # <u>18</u> Gov Exhibit 16, # <u>19</u> Gov Exhibit 17, # <u>20</u> Gov Exhibit 18, # <u>21</u> Gov Exhibit 18 Redacted, # <u>22</u> Gov Exhibit 19, # <u>23</u> Gov Exhibit 19 Redacted, # <u>24</u> Gov Exhibit 20, # <u>25</u> Gov Exhibit 21, # <u>26</u> Gov Exhibit 21 Redacted, # <u>27</u> Def Exhibit A. Gov Exhibits 5a, 6a–6f stored on Clerk's MSD) (jjh). (Entered: 03/09/2022)
03/10/2022	<u>67</u>	FINAL Jury Instructions as to Defendant Stephen Albert. Signed by Judge CJ Williams on 3/9/2022. (pac) (Entered: 03/10/2022)
03/10/2022	<u>68</u>	JURY VERDICT as to Defendant Stephen Albert (1): Guilty on Counts 1 and 2. (pac) (Additional attachment(s) added on 3/10/2022: # <u>1</u> Unredacted Verdict) (pac). (Entered: 03/10/2022)
03/10/2022	<u>69</u>	JERS EXHIBIT LIST as to Defendant Stephen Albert. (pac) (Entered: 03/10/2022)
03/10/2022	<u>70</u>	MOTION to Seal Document <i>Government Exhibit 9</i> as to Stephen Albert. (Williams, Lisa) (Entered: 03/10/2022)
03/10/2022	71	*TEXT ORDER* ORDER granting <u>70</u> Motion to Seal Government Exhibit 9 as to Stephen Albert (1). Signed by Judge C.J. Williams on 3/10/2022. (skv) (Entered: 03/10/2022)
03/22/2022	<u>72</u>	SEALED Offense Conduct Statement as to Defendant Stephen Albert (Williams, Lisa) (Entered: 03/22/2022)
07/07/2022	<u>73</u>	SEALED Draft Presentence Investigation Report as to Defendant Stephen Albert. (Attachments: # <u>1</u> Instructions for Objecting) (Ward, Zach) (Entered: 07/07/2022)
07/20/2022	<u>74</u>	SEALED Objection to <u>73</u> Sealed Draft Presentence Investigation Report By Defendant as to Stephen Albert (Johnston, Jill) (Entered: 07/20/2022)
07/21/2022	<u>75</u>	SEALED Objection to Presentence Investigation Report By Plaintiff as to Stephen Albert <u>73</u> (Nydle, Emily) (Entered: 07/21/2022)
08/29/2022	<u>77</u>	SEALED Presentence Investigation Report <i>Final</i> as to Defendant Stephen Albert. (Attachments: # <u>1</u> Sentencing Worksheet) (Lahn, Brooklynn) (Entered: 08/29/2022)
08/31/2022	<u>78</u>	ORDER SETTING HEARING and Establishing Deadlines as to Defendant Stephen Albert: Sentencing set for 11/4/2022 at 9:00 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Signed by Judge CJ Williams on 8/31/2022. (pac) (Entered: 08/31/2022)
10/27/2022	<u>79</u>	MOTION to Seal Document <i>Exhibits for Government's Sentencing Memorandum</i> as to Stephen Albert. (Nydle, Emily) (Entered: 10/27/2022)
10/27/2022	80	

			TEXT ORDER granting <u>79</u> Motion to Seal Government's Sentencing Exhibits 3 and 4 as to Stephen Albert (1). Signed by Judge C.J. Williams on 10/27/2022. (skv) (Entered: 10/27/2022)
10/28/2022	<u>81</u>		MOTION for Variance— <i>Downward and Sentencing Memorandum</i> as to Stephen Albert. (Johnston, Jill) (Entered: 10/28/2022)
10/28/2022	<u>82</u>		SENTENCING Memorandum by USA as to Defendant Stephen Albert (Attachments: # <u>1</u> Brief in Support of Government's Sentencing Memorandum) (Nydle, Emily) (Entered: 10/28/2022)
10/28/2022	<u>83</u>		NOTICE of Filing of Sealed Exhibit(s) as to Stephen Albert re <u>82</u> Sentencing Memorandum <i>Government Exhibit 3</i> (Attachments: # <u>1</u> Exhibit 4) (Nydle, Emily) (Entered: 10/28/2022)
10/31/2022			DOCKET Annotation re <u>82</u> Sentencing Memorandum as to Defendant Stephen Albert: Government Exhibits 1 and 2 received and placed on Clerk's Storage Drive. (pac) (Entered: 10/31/2022)
10/31/2022	<u>84</u>		RESISTANCE by USA as to Defendant Stephen Albert re <u>81</u> MOTION for Variance— <i>Downward and Sentencing Memorandum</i> (Nydle, Emily) (Entered: 10/31/2022)
11/04/2022	<u>85</u>		MINUTE Entry for proceedings held before Judge CJ Williams: Sentencing held on 11/4/2022 as to defendant Stephen Albert. Defendant detained. Government Exhibits 1 and 2 on Clerk's Storage Drive. Sealed Government Exhibits 3 and 4 filed at <u>83</u> . Official Court Record: Patrice Murray, PAMurrayReporting@gmail.com. (pac) (Entered: 11/04/2022)
11/04/2022	<u>86</u>		JUDGMENT as to Defendant Stephen Albert (1), Counts 1, 2, 452 months imprisonment. This term of imprisonment consists of a 452–month term imposed on Count 1 and a 180–month term imposed on Count 2, to be served concurrently. 10 years supervised release. This term of supervised release consists of a 10–year term imposed on Count 1 and 10–year term imposed on Count 2, to be served concurrently. \$200 assessment. Signed by Judge CJ Williams on 11/4/2022. (jag) (Main Document 86 replaced on 11/7/2022 to remove the Statement of Reasons) (jag) (Entered: 11/04/2022)
11/04/2022	<u>87</u>		SEALED Statement of Reasons as to Defendant Stephen Albert (jag) (Entered: 11/04/2022)
11/09/2022	<u>88</u>		Writ of Habeas Corpus ad Prosequendum Returned Executed as to Defendant Stephen Albert on 11/9/2022. (JLH) (Entered: 11/09/2022)
11/16/2022	<u>89</u>		NOTICE of Appeal by Defendant Stephen Albert re <u>86</u> Judgment. (Johnston, Jill) (Entered: 11/16/2022)
11/16/2022	<u>90</u>		NOA Supplement and Transmission of Notice of Appeal as to Defendant Stephen Albert to US Court of Appeals re <u>89</u> Notice of Appeal – Final Judgment. Case Number due by 11/21/2022. (skm) (Entered: 11/16/2022)

UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA

v.

STEPHEN ALBERT

) JUDGMENT IN A CRIMINAL CASE

)

) Case Number: **0862 1:21CR00062-001**

)

) USM Number: **69145-509**

)

☒ ORIGINAL JUDGMENT☐ AMENDED JUDGMENT

Date of Most Recent Judgment:

Jill M. Johnston

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____

which was accepted by the court.

☒ was found guilty on count(s) 1 and 2 of the Indictment filed on September 21, 2021
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
<u>18 U.S.C. §§ 2242(1)</u> and 1153	Sexual Abuse by Threat and Force	October 2016	1
<u>18 U.S.C. §§ 2243(a)</u> and 1153	Sexual Abuse of a Minor	01/24/2015	2

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

C.J. Williams

United States District Court Judge

Name and Title of Judge

November 4, 2022

Date of Imposition of Judgment



Signature of Judge

November 4, 2022

Date

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

PROBATION

☐ The defendant is hereby sentenced to probation for a term of:

IMPRISONMENT

☒ The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **452 months. This term of imprisonment consists of a 452-month term imposed on Count 1 and a 180-month term imposed on Count 2 of the Indictment, to be served concurrently. The defendant's sentence has been adjusted and reduced by 18 months to account for time the defendant served for the case set forth in paragraph 38 of the presentence report (Tama County, Iowa, Case No. FECR016934). It is ordered that the sentence for the instant offense be served concurrently with the remainder of this undischarged term of imprisonment, pursuant to USSG §5G1.3(b).**

☒ The court makes the following recommendations to the Federal Bureau of Prisons:
It is recommended that the defendant be designated to a Bureau of Prisons facility as close to the defendant's family as possible, commensurate with the defendant's security and custody classification needs.

It is recommended that the defendant participate in the Bureau of Prisons' 500-Hour Comprehensive Residential Drug Abuse Treatment Program or an alternate substance abuse treatment program.

It is recommended that the defendant participate in the Bureau of Prisons' Sex Offender Management Program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant must surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant must surrender for service of sentence at the institution designated by the Federal Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the United States Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

SUPERVISED RELEASE

- ☒ Upon release from imprisonment, the defendant will be on supervised release for a term of:
10 years. This term of supervised release consists of a 10-year term imposed on Count 1 and 10-year term imposed Count 2 of the Indictment, to be served concurrently.

MANDATORY CONDITIONS OF SUPERVISION

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.
The defendant must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future controlled substance abuse. *(Check, if applicable.)*
- 4) ☒ The defendant must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- 5) ☒ The defendant must comply with the requirements of the Sex Offender Registration and Notification Act ([34 U.S.C. § 20901, et seq.](#)) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. *(Check, if applicable.)*
- 6) ☐ The defendant must participate in an approved program for domestic violence. *(Check, if applicable.)*

The defendant must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

STANDARD CONDITIONS OF SUPERVISION

As part of the defendant's supervision, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for the defendant's behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in the defendant's conduct and condition.

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) The defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: STEPHEN ALBERT
CASE NUMBER: 0862 1:21CR00062-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:

1. The defendant must not have contact during the defendant's term of supervision with the individual set forth in paragraph 78 of the presentence report, in person or by a third party. This includes no direct or indirect contact by telephone, mail, email, or by any other means. The United States Probation Office may contact the aforementioned individual(s) to ensure the defendant's compliance with this condition.
2. The defendant must submit the defendant's person, property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.
3. The defendant must not knowingly have contact with children under the age of 18 (including through letters, communication devices, audio or visual devices, visits, electronic mail, the Internet, or any contact through a third party) without the prior written consent of the United States Probation Office. The United States Probation Office may work with the defendant and the defendant's family to set up supervised communications and visits with the defendant's biological and legally adopted children.
4. The defendant must not knowingly be present at places where minor children under the age of 18 are congregated, such as residences, parks, beaches, pools, daycare centers, playgrounds, and schools without the prior consent of the United States Probation Office.
5. The defendant must participate in a mental health evaluation, which may include an evaluation for sex offender treatment. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program. The defendant will be required to submit to periodic polygraph testing at the discretion of the United States Probation Office as a means to ensure that the defendant is in compliance with the requirements of the defendant's supervision or treatment program. The defendant must take all medications prescribed to the defendant by a licensed medical provider.
6. The defendant must participate in an evaluation for anger management and/or domestic violence. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program.
7. The defendant must participate in a substance abuse evaluation. The defendant must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. The defendant must participate in a program of testing for substance abuse. The defendant must not attempt to obstruct or tamper with the testing methods.

Continued on the following page.

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:

8. **If not employed at a lawful type of employment as deemed appropriate by the United States Probation Office, the defendant must participate in employment workshops and report, as directed, to the United States Probation Office to provide verification of daily job search results or other employment related activities. In the event the defendant fails to secure employment, participate in the employment workshops, or provide verification of daily job search results, the defendant may be required to perform up to 20 hours of community service per week until employed.**

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

Defendant

Date

United States Probation Officer/Designated Witness

Date

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200	\$ 0	\$ 0	\$ 0	\$ 0

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss³</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	-------------------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 7 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

¹Amy, Vicky, and Any Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

²Justice for Victims of Trafficking Act of 2015, 18 U.S.C. § 3014.

³Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **STEPHEN ALBERT**
CASE NUMBER: **0862 1:21CR00062-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ \$ 200 due immediately;
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant must pay the cost of prosecution.
- ☐ The defendant must pay the following court cost(s):
- ☐ The defendant must forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
for the Northern District of Iowa

USCA8, No. _____

NOTICE OF APPEAL

United States of America)	21-CR-0062
)	
Plaintiff)	District Court Docket Number
)	
vs.)	Hon. C.J. Williams
Stephen Albert)	
_____)	District Court Judge
)	
Defendant.)	

Notice is hereby given that Stephen Albert appeals to the Eighth

Circuit from the: ☒ Judgment & Commitment ☐ Order _____ entered in this action on
November 4, 2022 (Specify)

/s/ Jill M. Johnston	Jill M. Johnston
_____	_____
Signature of Defendant's Counsel	Typed Name of Defendant's Counsel
222 Third Avenue SE Suite 290	(319) 363-9540
_____	_____
Street Address Room Number	Telephone Number
Cedar Rapids Iowa 52401	November 16, 2022
_____	_____
City State Zip	Date

TRANSCRIPT ORDER FORM

TO BE COMPLETED BY ATTORNEY FOR APPELLANT

<input checked="" type="checkbox"/> Please prepare a transcript of: <input type="checkbox"/> Pre-trial proceedings <input type="checkbox"/> Testimony or <input type="checkbox"/> Portions thereof <input checked="" type="checkbox"/> Sentencing <input type="checkbox"/> Post Trial Proceedings <input checked="" type="checkbox"/> Other (Specify) trial transcripts	<input type="checkbox"/> I am not ordering a transcript because: <input type="checkbox"/> Previously Filed <input type="checkbox"/> Other (Specify) _____
---	---

CERTIFICATE OF COMPLIANCE

Appellant hereby certifies that copies of this notice of appeal/transcript order form have been filed/served upon U.S. District Court, court reporter, and all counsel of record, and that satisfactory arrangements for payment of cost of transcripts ordered have been made with the court reporter (FRAP 10(b)).

Method of payment: ☐ Funds, ☐ CJA Form 24 completed and sent to court reporter.

INFORMATION SHEET
TO BE COMPLETED BY ATTORNEY FOR APPELLANT

1. Defendant's Address: Linn County Jail, PO Box 608, Cedar Rapids, IA 52406
2. Date of Verdict: March 9, 2022 ☒ Jury ☐ Non-Jury
- Offenses: Sexual Abuse by Threat and Force 18 U.S.C. §§ 2242(1) and 1153
Sexual Abuse of a Minor 18 U.S.C. §§ 2243(a) and 1153
3. Trial Testimony - Number of Days 3 Bail Status _____
Sentence and Date Imposed: 452 months imprisonment count 1; 180 months count 2
10 yrs supervised release imposed 11/04/2022
4. Appealing: Sentence ☐ Conviction ☐ Both ☒
- Challenging: ☐ Application of Sentencing Guidelines
☐ Constitutionality of Guidelines
☒ Both Application and Constitutionality
5. Date Trial Transcript ordered by Counsel or District Court: November 16, 2022
- Stenographer in Charge: Patrice Murray (trial and sentencing transcripts)
- (Name, Address, Phone) PAMurrayReporting@gmail.com
6. Trial Counsel was: ☒ Appointed ☐ Retained
- Does Defendant's financial status warrant appointment of counsel on appeal? ☒ Yes ☐ No
- Affidavit of Financial Status filed: October 21, 2021
- Is there any reason why trial counsel should not be appointed as counsel on appeal? ☐ Yes ☒ No
7. Assistant U.S. Attorney Name & Phone Number: Lisa Williams and Emily Nydle
319-363-6333

COURT REPORTER ACKNOWLEDGMENT

Date Order Received

Estimated Completion Date

Est Number of Pages

Court Reporter's Signature

Date

**U.S. DISTRICT COURT OF APPEALS - EIGHTH CIRCUIT
NOA SUPPLEMENT
NORTHERN DISTRICT OF IOWA**

CAPTION:

USA v. ALBERT

CASE NUMBER:

1:21-CR-62-CJW-MAR

APPELLANT:

Stephen Albert

APPELLANT OR ATTORNEY ADDRESS:

Jill M Johnston
Federal Public Defender's Office
222 Third Avenue SE, Suite 290
Cedar Rapids, IA 52401
319 363 9540
jill_johnston@fd.org

APPELLEE:

USA

APPELLEE ATTORNEY(S) ADDRESS:

Emily Nydle & Lisa Williams
US Attorney's Office
111 7th Avenue SE, Box 1
Cedar Rapids, IA 52401
319 363 6333.
emily.nydle@usdoj.gov/lisa.williams@usdoj

COURT REPORTER:

Patrice Murray

PROCEEDING:

Final Pretrial Conference (2/28/2022)
Jury Selection & Trial (3/7-3/9/2022)
Sentencing (11/4/2022)

LENGTH OF TRIAL: 3 days

FEE PAID ☐ **IFP FILED** ☐ **IFP PENDING** ☐

CRIMINAL ATTORNEY:

AFPD Jill Johnston

PENDING MOTIONS: No

SIMULTANEOUS RELEASE: No

DEFENDANT'S LOCATION:

Linn County Jail, PO Box 608, Cedar Rapids, IA 52406

LOCAL INTEREST: No

OTHER DEFENDANT IN CASE:

NDIA CONTACT PERSON:

Sarah

PHONE NUMBER:

319 286 2300